

# UNITED STATES DISTRICT COURT

EASTERN

DISTRICT OF

NORTH CAROLINA

PCS Phosphate Company, Incorporated

## EXHIBIT AND WITNESS LIST

V.

Norfolk Southern Corporation, et al

Case Number: 4:05-cv-55-D

PRESIDING JUDGE Honorable James C. Dever III					PLAINTIFF'S ATTORNEY R. Bruce Thompson and Charles E. Raynal	DEFENDANT'S ATTORNEY Odes L. Stroupe and John S. Byrd
TRIAL DATE (S) January 25, 2008					COURT REPORTER Sharon Kroeger	COURTROOM DEPUTY Julie Richards
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
1		1/25/08		1/25/08	Aerial Map of Former and Relocated Railroad Line dated May 31, 2006	
2A		1/25/08		1/25/08	Map of Mine Advance dated November 16, 2007	
2B		1/25/08		1/25/08	Photograph of Existing NSRR Track and Prestrip Advance	
3		1/25/08		1/25/08	PCS Phosphate Company Inc.'s Complaint and Exhibits	
3A		1/25/08		1/25/08	Deed of Easement dated June 29, 1965	
3B		1/25/08		1/25/08	Deed of Easement dated June 29, 1965	
3C		1/25/08		1/25/08	Deed of Easement dated October 12, 1965	
3D		1/25/08		1/25/08	Deed of Easement dated April 15, 1966	
3E		1/25/08		1/25/08	Deed of Easement dated May 3, 1966	
3F		1/25/08		1/25/08	November 20, 2003 letter from PCS to Norfolk Southern	
3G		1/25/08		1/25/08	March 13, 2003 letter from C. Wilson	
3H		1/25/08		1/25/08	December 16, 2004 letter from K. McQuade	
3I		1/25/08		1/25/08	February 11, 2005 letter from K. McQuade	
4		1/25/08		1/25/08	Summary of Total Costs of Railroad Relocation Project	
5		1/25/08		1/25/08	Estimated Cost to PCS for Key PCS Employees on Railroad Relocation Project	
6		1/25/08		1/25/08	Interest Calculations on Damages	
6A		1/25/08		1/25/08	Prejudgment Interest calculations on Damages From Date of Defendants' Breach	
6B		1/25/08		1/25/08	Prejudgment Interest (Alternative Calculation)	
7		1/25/08		1/25/08	Stages of Construction of Relocated Track	
7A		1/25/08		1/25/08	Project Map for Relocation Project	
7B		1/25/08		1/25/08	July 13, 2006 Mining Planning Monthly Update	
7C		1/25/08		1/25/08	August 1, 2006 Mining Planning Monthly Update	

\* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

**EXHIBIT AND WITNESS LIST – CONTINUATION**

PCS Phosphate Company, Inc. vs. Norfolk Southern Corporation, et al					CASE NO. 4:05-cv-55-D
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
7D		1/25/08		1/25/08	August 31, 2006 Mining Planning Monthly Update
7E		1/25/08		1/25/08	October 5, 2006 Mining Planning Monthly Update
7F		1/25/08		1/25/08	November 1, 2006 Mining Planning Monthly Update
7G		1/25/08		1/25/08	December 1, 2006 Mining Planning Monthly Update
7H		1/25/08		1/25/08	January 11, 2007 Mining Planning Monthly Update
7I		1/25/08		1/25/08	February 1, 2007 Mining Planning Monthly Update
7J		1/25/08		1/25/08	March 1, 2007 Mining Planning Monthly Update
7K		1/25/08		1/25/08	April 10, 2007 Mining Planning Monthly Update
8		1/25/08		1/25/08	Railroad Construction Photographs
9		1/25/08		1/25/08	Organizational Chart of PCS Employees on Relocation Project
10		1/25/08		1/25/08	Manual for Railway Engineering (Multivolume Set published by American Railway Engineering and Maintenance of Way Association, 2005 Ed.)(excerpts to be submitted, if necessary)
11		1/25/08		1/25/08	PCS Requests for Norfolk Southern Specifications
11A		1/25/08		1/25/08	March 9, 2005 letter from Robert M. Chiles, P.E.
11B		1/25/08		1/25/08	April 1, 2005 letter from Robert M. Chiles, P.E.
11C		1/25/08		1/25/08	August 19, 2005 letter from Robert M. Chiles, P.E. to Jim Rader
11D		1/25/08		1/25/08	August 19, 2005 letter from Robert M. Chiles, P.E. to J.N. Carter
11E		1/25/08		1/25/08	September 20, 2005 letter from Charles E. Raynal, IV
12		1/25/08		1/25/08	2003 E-mail Correspondence Regarding Railroad Relocation Case
13		1/25/08		1/25/08	Verified Statement of David A. Becker
14		1/25/08		1/25/08	October 21, 2005 Final Report by HNTB
15		1/25/08		1/25/08	Application for Authority to Abandon Rail Line of Norfolk Southern Railway Company
16		1/25/08		1/25/08	Documents necessary to address issues raised in Defendants' January 4, 2008 disclosure and January 10, 2008 30(b)(6) deposition of Defendants regarding contested damages issues (if any)
				1/25/08	Ivan K. Gilmore
				1/25/08	Robert M. Chiles, P.E.

## EXHIBIT AND WITNESS LIST – CONTINUATION

PCS Phosphate Company, Incorporated vs. Norfolk Southern Corporation, et al					CASE NO. 4:05-cv-55-D
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS AND WITNESSES
	1	1/25/08		1/25/08	Valuation Map
	2	1/25/08		1/25/08	"Disputed ML Trackage Constructed by PCS Phosphate" Chart
	3	1/25/08		1/25/08	"Estimated Cost per TF for Trackage Constructed by PCS Phosphate" Chart
	4	1/25/08		1/25/08	"Excess Siding Track Footage Constructed by PCS Phosphate" Chart
	5	1/25/08		1/25/08	"Estimated Allocated Cost per TF for Excess Siding Trackage Constructed by PCS Phosphate" Chart
	6	1/25/08		1/25/08	"Track Footage Takeoff at PCS Phosphate" Chart
	7	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 001
	8	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 002
	9	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 003
	10	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 004
	11	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 005
	12	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 006
	13	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 007
	14	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 008
	15	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 009
	16	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 010
	17	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 011
	18	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 012
	19	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 013
	20	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 014
	21	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 015
	22	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 016
	23	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 017
	24	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 018
	25	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 019
	26	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 020
	27	1/25/08		1/25/08	Photograph Labeled "PCS Aurora NC 121807" 021

